रजिस्ट्री सं० डी एल०-33004/95 REGISTERED NO. DL-33004/95

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 34] नई दिल्ली, शुक्रवार, अगस्त 4, 1995/श्रावण 13, 1917
No. 34] NEW DELHI, FRIDAY, AUGUST 4, 1995/SRAVANA 13, 1917

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

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LOK SABHA

The following Bills were introduced in Lok Sabha on 4th August, 1995:—

BILL NO. 18 OF 1994

A Bill to provide for payment of pension to all the senior citizens of India and for matters connected therewith.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title and extent.

1. (*1*) This Act may be called the Payment of Pension to Senior Citizens Act, 1944.

(*2*) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*i*) "authority" means the Senior Citizens Pension Authority established under section 4;

(*ii*) "family" means both the husband and the wife;

(*iii*) "fund" means the Senior Citizens Pension Fund established under section 6;

(iv) "prescribed" means prescribed by rules under this Act; and

(*v*) "senior citizen" means any citizen of India who has attained the age of sixty years or above and who has no source of income.

Provision of pension to senior citizen.

3. (*1*) Every senior citizen shall be given, out of the fund established under section 6,—

(a) pension at the rate of rupees one thousand per month if he has a living spouse and/or children who are dependent on him; or

(b) pension at the rate of rupees five hundred per month if he does not have a living spouse and/or children who are dependent on him:

Provided that a senior citizen shall not be given any pension if any member of the family is earning.

(*2*) Subject to the provisions of sub-section (*1*), only one member of the family shall be eligible to get pension as senior citizen.

Establishment of Senior Citizens Pension Authority.

4. (1) There shall be established an authority in each district by the Central Government to be known as the Senior Citizens Pension Authority.

(2) Every authority shall have such set-up and such powers, as may be prescribed.

Functions of authority.

5. Every authority shall—

(*a*) maintain a district-wise register of senior citizens with such particulars and in such manner, as may be prescribed;

(*b*) pay monthly pension, in such manner, as may be prescribed, to all such senior citizens who are eligible to get the pension under the provisions of this Act; and

(*c*) perform such other functions as may be assigned to it by the Central Government from time to time.

Establishment of Senior Citizens Pension Fund.

6. (1) The Central Government shall establish a fund to be known as the Senior Citizens Pension Fund for the purpose of paying monthly pension to all such senior citizens who are eligible to get pension under the provisions of this Act.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio, as may be prescribed.

(*3*) Any person may contribute to the Fund such amount of money, as he may deem fit.

Amendment of section 10 of Act No. 43 of 1961.

7. In the Income Tax Act, 1961, in section 10, after clause (23C) the following clause shall be added, namely:— 43 of 1961.

"(23CC) any income received by any person on behalf of the Senior Citizens Pension Fund established by the Central Government under the Payment of Pension to Senior Citizens Act, 1994.".

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

In our country, there are about sixty million of old persons. Out of this only twenty five per cent have pensionary benefits in the old age. Thus, scores of other old persons who are unable to take care of themselves and who do not have sufficient means to lead a happy life suffer in their old age when their children ignore them. These people live in hunger and lead miserable lives. Most often, the agricultural labour, the farmers and the labour class suffer and lead miserable lives during old age. In some foreign countries like the USA a citizen is provided a pension when he attains the age of sixty years.

The Bill, therefore, seeks to provide monthly pension to all such senior citizens of the country who have attained the age of sixty years or above and who do not have any independent source of income.

Hence this Bill.

NEW DELHI;
March 15, 1993.

VENKATESWARA D. RAO.

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND 274 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 6/6/93-AG, dated 23 February, 1994 from Shri Sitaram Kesri, Minister of Welfare to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the proposed Private Member's Bill viz., The Payment of Pension to Senior Citizens Bill, 1994 by Shri Venkateswara D. Rao, Member of Parliament, Lok Sabha, recommends under articles 117(1) and 274(1) of the Constitution of India the introduction and under article 117(3) of the Constitution the consideration of the Bill in Lok Sabha.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of pension to senior citizens out of the Senior Citizens Pension Fund. Clause 4 provides for establishment of the Senior Citizens Pension Authority by the Central Government. Clause 6 provides for the establishment of the Senior Citizens Pension Fund by the Central Government to which the Central Government and the State Governments shall contribute in such ratio, as may be prescribed.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees four hundred crore is likely to be involved.

It is also likely to involve a non-recurring expenditure of about rupees one hundred crore.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules to carry out the purposes of the Bill. The matters with respect to which rules may be made are matters of procedure and detail. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 68 OF 1994

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act 1994.

Amendment of Tenth Schedule.

2. In the Tenth Schedule to the Constitution, in sub-paragraph (*1*) of paragraph 2, after clause (*a*), the following clause shall be added, namely:—

"(*aa*) if he has been expelled from the membership of such political party.".

STATEMENT OF OBJECTS AND REASONS

The Constitution (Fifty-second Amendment) Act, 1985 was brought forward in a hurry and no proper provision was incorporated for members who are expelled from the membership of a political party by which they are set up as candidates for election as such members. The purpose of the Act is defeated if any member elected as a condidate set up by any political party to represent it in Parliament or Legislature of a State after expulsion from the membership of such political party on grounds of disloyalty, indiscipline or violation of party rules continues to be a members of Parliament or Legislature of the State. In such cases, the member should be disqualified for being a mmber of Parliament or Legislature of a State, as the case may be. Such a step will not only improve discipline in political parties but will also strengthen the functioning of democracy and party system in the country.

Hence this Bill.

NEW DELHI;
July 12, 1994.

VENKATESWARA D. RAO.

BILL NO. 108 OF 1994

A Bill to provide for uniform education throughout the country.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Uniform Education Act, 1994.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*i*) "appropriate Government" means the Central Government or the State Government, as the case may be; and

(*ii*) "education" means education upto higher secondary level.

Free and compulsory education.

3. It shall be the duty of the appropriate Government to provide free and compulsory education to every child irrespective of his caste, colour or creed.

Establishment of schools.

4. The appropriate Government shall establish and maintain schools in every district according to its population and need.

Uniform system of education in all schools.

5. There shall be uniform system of education in all schools whether owned by, or receiving aid out of the funds of, the appropriate Government or owned or run by private organisations or individuals or societies or by minorities.

Free uniform and books etc. to students.

6. The appropriate Government shall provide breakfast, mid-day meal, uniform and books free of cost to all students in all schools.

Scholarship to poor students.

7. The appropriate Government shall provide rupees two hundred per month upto primary level and rupees four hundred per month upto higher secondary level as scholarship to every student the income of whose parents or guardian is less than one thousand rupees per month.

Recognition of educational certificates.

8. The appropriate Government shall not recognise for any purpose any educational certificate awarded by a school not following uniform pattern of primary and/or higher secondary education under the provisions of this Act.

Power to make rules.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Article 45 of the Constitution provides that it shall be the duty of the State to provide free and compulsory education to all children until they attain fourteen years of age. Although, the Government has taken many steps to achieve this end, yet, they are not adequate. At present, we have schools run by the Government and those by private organisations and minorities. All these schools follow different patterns and as a result there is no uniformity in the education imparted in these schools.

Uniformity in the system of school education is imperative to arouse consciousness of national integration in the highly sensitive and impressionable minds of the children. The type of education imparted to the children at the school level determines their growth in the final analysis as future citizens of the country.

Moreover, uniform system of education would avoid any feelings of discrimination or denial of equal opportunities in the matter of career advancement.

Although the Government has taken many steps to provide free education, the parents are not allowing their children to study. Due to poverty they send their children to earn money and this results in increase in the child labour in the country. Therefore, it is necessary to provide them free meals, uniforms, books and scholarship so that such parents are tempted to send their children to schools.

It is, therefore, proposed to provide for uniform and free education upto the higher secondary stage.

Hence this Bill

NEW DELHI;
November 21, 1994

VENKATESWARA D. RAO

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free and compulsory education. Clause 4 provides that appropriate Government shall establish and maintain schools in every district according to its population and need for the purpose of imparting education. It is not known how many schools will be required for carrying out the provisions of the Bill. Some expenditure will be involved in setting up of schools and provision of free meals, uniform, etc. and scholarships to poor students (clauses 6 and 7). The expenditure in respect of schools in Union Territories shall be met out of the Consolidated Fund of India. Expenditure in respect of schools established in States shall be met out of the respective Consolidated Funds of the States although some assistance may be extended by the Central Government.

It is estimated that an annual recurring expenditure of about rupees ten crore is likely to be involved. A non-recurring expenditure to the tune of rupees twenty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 110 OF 1994

A Bill to provide for declaration and public scrutiny of assets of Ministers and Members of Parliament.

Short title.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Declaration of Assets by Ministers and Members of Parliament.

Definitions.

2. In this Act, unless the context otherwise requires:—

(i) "asset" includes all properties, both movable and immovable, held by the Ministers or by the Members of Parliament or by their dependents, legally or in *benami* within the country and/or abroad;

(ii) "Chairman" means Chairman of the Council of States;

(iii) "dependent" includes spouse, parents, sons and unmarried daughters;

(iv) "Member of Parliament" means Member of the Council of States or of the House of the People, as the case may be;

(v) "Minister" means Cabinet Minister of the Union Government and includes the Prime Minister, Minister of State and Deputy Minister;

(vi) "prescribed" means prescribed by rules made under this Act; and

(vii) "Speaker" means the Speaker of the House of the People.

Declaration of assets by Ministers and Members of Parliament.

3. Every Minister and every Member of Parliament shall submit to the Speaker or the Chairman, as the case may be, a return of all the assets possessed by him and his dependents within one month of the date of his election as such member in such manner and form, as may be prescribed:

Provided that where the Minister is not a Member of either House of Parliament, he shall submit a return of all the assets possessed by him and his dependents to the Speaker within one month of the swearing in as such Minister under article 75 of the Constitution of India.

Submission of annual returns.

4. It shall be incumbent on the part of every Minister and every Member of Parliament to submit annual returns of the assets held by him and his dependents within one month of the beginning of the next financial year to the Speaker or the Chairman, as the case may be.

Returns to be made available to public libraries.

5. A copy of the returns furnished by Ministers and Members of Parliament shall be made available free of cost to all such public libraries as the Central Government may, by notification, specify.

Announcement of names of Ministers and Members of Parliament who fail to submit returns.

6. The Speaker or the Chairman, as the case may be, may announce the name of the Minister or Member of Parliament who fails to submit the returns according to the provision of this Act.

Power to make rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The political corruption is on the increase. People are losing faith in the political system. The reports of corrupt practices indulged in by the Ministers and Members of Parliament are quite common these days. This has resulted in loss of public faith in the institution of democracy. Therefore, in order to restore public faith in the political system, it should be ensured that the Ministers and Members of Parliament declare their assets regularly. Such a step will not only prohibit the misuse of political power but will also set an example for public morality which can be emulated by others. The Members of Parliament are the representatives of the people. They should carry clean image before the public. Going by the prevailing political culture in India and the moral degeneracy that has of late set in our public life, there is need for a law that make compulsory and periodic declaration of assets by all Ministers and Members of Parliament.

Hence this Bill.

NEW DELHI;
November 21, 1994.

VENKATESWARA D. RAO

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that a copy of the returns furnished by Ministers and Members of Parliament shall be made available free of cost to all such public libraries as the Central Government may, by notification, specify. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten lakh per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of the legislative power is of a normal character.

BILL NO. 46 OF 1995

A Bill further to amend the Sugar Development Fund Act, 1982

Be it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Sugar Development Fund (Amendment) Act, 1995.

(*2*) It shall come into force at once.

Insertion of new section 6A.

2. After section 6 of the Sugar Development Fund Act, 1982, (hereinafter referred to as the principal Act), the following section shall be insered, namely:— 4 of 1982.

Loans to co-operative sugar factories.

"6A. (*1*) Notwithstanding anything in section 4, the Fund shall be applied by the Central Government for making soft credit loans, of an amount not exceeding rupees one crore to each cooperative sugar factory, which has gone into production on or before the date of coming into force of this Act, in order to meet its day expenditure, within thirty days from the date of receipt of an application from the factory to this effect.

(2) The loan under sub-section (1) shall be made without any security or guarantee and the amount may be withdrawn from time to time by the sugar factory obtaining the loan.

(3) The loan amount shall be repayable with simple interest at the rate of four per cent. per annum and in such manner as may be prescribed.".

Amendment of section 9.

3. In section 9 of the principal Act, in sub-section (2), after clause (*c*), the following clause shall be inserted, namely:—

"(cc) the manner in which any loan made under section 6A shall be repaid;".

STATEMENT OF OBJECTS AND REASONS

In order to assist the sugar industry, a fund has been constituted under the Sugar Development Fund Act, 1982. The fund is used for facilitating the rehabilitation and modernisation of sugar factories and for development of sugarcane. It is also used for building up and maintenance of butter stocks of sugar with a view to stabilising price of sugar in the country.

Of late, sugar factories in the cooperative sector have emerged as major sugar producing units. As sugar factories in the co-operative sector are run by farmers who are financially not sound, the factories have to look forward to financial institutions for running the sugar factories. It has been seen that the procedure for granting financial assistance by the financial institutions run by the State is time consuming and due to non-availability of financial assistance on time, the sugar factories are not able to run their units and sugar production is affected to a great extent.

If the sugar factories cannot produce sugar atleast to meet domestic requirements, not to say of exports to foreign countries, the purpose of the measures taken by the Government for the development of sugar industry will not be served.

With this in view, it is proposed to give soft credit loans to each co-operative sugar factory so that they can withdraw the loan amount from time to time in order to meet their day to day expenditure. As the procedure has been very much simplified it would enable the cooperative sugar factories to contribute for the development of sugar industry in the country.

The Bill seeks to achieve the above objective.

NEW DELHI;
May 25, 1995.

UTTAMRAO DEORAO PATIL.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for making soft credit loans to each cooperative sugar factory in the country. The Sugar Development Fund constituted under the Sugar Development Fund Act, 1982 will be used for making such loans. As such no additional expenditure either of recurring or non-recurring nature, will be involved from the Consolidated Fund of India.

BILL No. 48 OF 1995

A Bill to prevent female infanticide.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Prevention of Female Infanticide Act, 1995.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, unless the context otherwise requires, 'prescribed' means prescribed by rules made under this Act.

Female Infanticide.

3. Whoever causes, or does any act with the intention of causing death of a girl child or allows a sick girl child to die by deliberately not giving timely and proper medical assistance or does any act or neglected the care of the girl child which may result in its death commits the

Information about birth or death of a girl child to be given to authorities.

4. (*1*) Whenever a girl child is born or a girl child below ten years of age dies, either of the parents or the guardian of the child shall inform the nearest health centre, run by the Government or such authority as may be prescribed for this purpose, about the birth or death of the girl child.

(*2*) In case of death of a girl child, the child shall not be cremated or buried unless the health centre or such other authority as may be prescribed for this purpose, has caused an investigation into the cause of the death of the child.

(*3*) The investigation under sub-section (*2*) shall be completed within twenty-four hours from the time information about death is received.

Arrest of person committing fe male infanticide.

5. If on a preliminary investigation of the cause of the death of a girl child any person is found to have committed the offence of infanticide he shall be taken into custody at once.

Punishment.

6. Any person who commits or abets the commission of the offence of female infanticide or withholds information about the death of the girl child, shall be punished with imprisonment for a period of ten years and also with fine of rupees one lakh:

Provided that any person who withholds information about the birth of a girl child shall be punished with imprisonment for a period of six months.

Investigation and filing of report.

7. Any inquiry or investigation into female infanticide and filing of reports or a suit in a court of law shall be completed within a period of three months from the date of the death of the girl child.

Offence to be non-bailable.

8. An offence under this Act shall be non-bailable.

45 of 1860.

Act to have overriding effect.

9. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in Indian Penal Code or any other law for the time being in force.

Power to make rules.

10. The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

With the continuing menace of dowry system in the country, birth of girls in an ordinary family is considered to be very inauspicious and a curse. Birth of a girl child is considered as a burden by poor families. As a result, female infanticide is widely prevalent in the country. Thousands of innocent girls are being killed every day. It is high time that this dastardly act is brought to an end. However, in the absence of a stringent legislation it is quite difficult to put an end to this evil practice.

It is, therefore, proposed to bring forward a legislation providing for severe punishment to those who commit female infanticide in order to eradicate this malady from the country.

Hence this Bill.

NEW DELHI;
June 2, 1995.

MOHAN SINGH

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matter of detail only, the delegation of legislative power is of a normal character.

R. C. BHARDWAJ
Secretary-General.

PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI 1995.